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 Appearance for Defendant
 ROBERT NAKO
 ENTERPRISES, INC. a/k/a
 YAMKO TRUCK LINES

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

X

MARTINES FRUITS & VEGETABLES,
 INC., a California Corporation,

Plaintiff,
 - Against -

Case No.
 07 CV 7082 (SAS)

AMERICAN PRESIDENT LINES, LTD.,
 a Delaware Corporation, ROBERT
 NAKO ENTERPRISES, INC., a California
 Corporation, dba YAMKO TRUCK
 LINES, and DOES 1 through DOES 25,
 inclusive,

g
PROPOSED SCHEDULING ORDER

Defendants.

X

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) and said Conference is to be held on October 3, 2007 at 4:00 P.M.; and

WHEREAS, the parties are required to jointly prepare and sign a proposed scheduling order containing certain information; and

NOW, THEREFORE, the parties hereby respectfully submit the following information:

(1) The appearances for the parties:

HILL RIVKINS & HAYDEN LLP
 Attorneys for Plaintiff
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(2) A concise statement of the issues as they now appear:

- (i) Extent and cause of the claimed cargo damage;
- (ii) Are defendants liable for the claimed cargo damage?
- (iii) The amount, if any, of prejudgment interest to be awarded;
- (iv) Is defendant Yamko subject to personal jurisdiction in the Southern District of New York?
- (v) Whether venue should be transferred to the United States District Court of the Central District of California pursuant to 28 U.S.C. § 1404?

(3) A schedule including:

- (a) the names of persons to be deposed and a schedule of planned depositions:

Representative of plaintiff; representative of defendants; surveyors for each party; eyewitnesses to the cargo damage; respective experts.

*MW
DLC
JAN*

- (b) a schedule for the production of documents: November 16, 2007
- (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:

Experts' reports to be exchanged by February 29, 2008

Experts to be deposed by March 28, 2008

- (d) time when discovery is to be completed: April 18, 2008
- (e) the date by which plaintiff will supply its pre-trial order matters to defendants: May 2, 2008
- (f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either proposed findings of fact and conclusions of law for a non-jury trial: May 16, 2008
- (g) Final pre-trial conference pursuant to Fed. R. Civ. P. 16(d)

Feb 21 at 4³⁰

- (4) A statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

None known at this time.

- (5) A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

None known at this time.

- (6) Anticipated fields of expert testimony, if any;
Extent and cause of the damage to the cargo.
- (7) Anticipated length of trial and whether to court or jury:
Bench trial; 3 days
- (8) This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

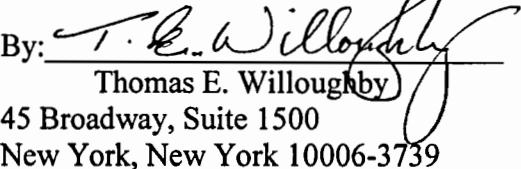
Dated: New York, New York

October 3, 2007

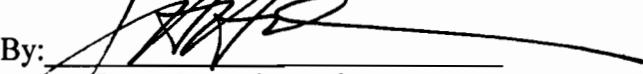
SO ORDERED:


Hon. Shira A. Sheindlin, U.S.D.J.

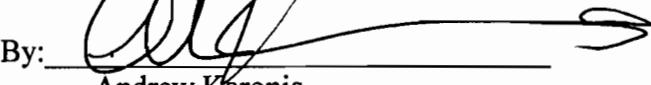
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